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Attorneys for Plaintiffs
CARMEL GARCIA, M.Y. AND L.Y., minors by
and through their guardian ad litem VANESSA
RUIZ; L.Y., a minor by and through his guardian
ad litem FRANCISCA URIOSTEGUI

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARMEL GARCIA, an individual; M.Y. AND
L.Y., minors by and through their guardian ad
litem VANESSA RUIZ; L.Y., a minor by and
through his guardian ad litem FRANCISCA
URIOSTEGUI,

Plaintiff,

v.

YUBA COUNTY SHERIFF'S
DEPARTMENT; YUBA COUNTY
SHERIFF'S DEPUTIES DOES 1-5; CITY OF
VACAVILLE; and VACAVILLE POLICE
OFFICER DOES 6-10;

Defendants.

Case No. 2:19-cv-02621-KJM-DB

**FOURTH STIPULATED REQUEST TO
CONTINUE PRE-TRIAL DEADLINES; ORDER**

Judge: Kimberly J. Mueller

1 WHEREAS, Plaintiffs CARMEL GARCIA, M.Y. AND L.Y., minors by and through their
2 guardian ad litem VANESSA RUIZ; L.Y., a minor by and through his guardian ad litem FRANCISCA
3 URIOSTEGUI, (“Plaintiffs”) initiated this case on March 11, 2020 (Dkt. No. 1.1);

4 WHEREAS, Plaintiffs filed a First Amended Complaint (FAC) on April 24, 2020 (Dkt. No. 9),
5 and Defendant CITY OF VACAVILLE (“the CITY”) filed a motion to dismiss Plaintiffs FAC on May
6 15, 2020 (Dkt. No. 14);

7 WHEREAS, following the July 24, 2020 hearing on the CITY’s motion to dismiss Plaintiffs’
8 FAC, the Court issued a minute order setting the pre-trial schedule in this matter (Dkt. No. 25);

9 WHEREAS, the Court granted the CITY’s motion to dismiss on September 18, 2020 and
10 dismissed Plaintiffs’ FAC with leave to amend (Dkt. No. 27);

11 WHEREAS, Plaintiffs filed their Second Amended Complaint (SAC) on November 18, 2020
12 (Dkt. No. 28), against the CITY, JULIE BAILEY, CHUCK BAILEY, DUSTIN WILLIS, and DAVE
13 SPENCER (collectively, “Defendants”), and Defendants filed their motion to dismiss Plaintiffs’ SAC on
14 November 30, 2020 (Dkt. No. 29);

15 WHEREAS, on January 26, 2021, the Court issued an order taking Defendants’ motion to dismiss
16 Plaintiffs’ SAC under submission without oral argument (Dkt. No. 34);

17 WHEREAS, on March 12, 2021, the Parties filed a stipulation to continue pre-trial deadlines
18 (Dkt. No. 35) because they were waiting for an order on the motion to dismiss and did not know what
19 claims would proceed and on March 16, 2021 this Court granted the stipulation and issued an amended
20 scheduling order continuing the pre-trial deadlines (Dkt. No. 36);

21 WHEREAS, on July 12, 2021, the Parties filed a second stipulation to continue pre-trial deadlines
22 (Dkt. No. 47) because they were waiting for an order on the motion to dismiss and did not know what
23 claims would proceed, and on July 20, 2021 this Court granted the stipulation and issued an amended
24 scheduling order continuing the pre-trial deadlines (Dkt. No. 48);

25 WHEREAS, on October 14, 2021 the Parties filed a third stipulation to continue pre-trail
26 deadlines (Dkt. No. 52) because they were waiting for an order on the motion to dismiss and did not
27 know what claims would proceed, and on October 18, 2021, this Court granted the stipulation and issued
28 an amended scheduling order continuing the pre-trial deadlines (Dkt. No. 53);

1 WHEREAS, on October 25, 2021, the Court issued an order denying Defendants' Motion to
2 Dismiss (Dkt. No. 54);

3 WHEREAS, on November 12, 2021, Defendants filed an answer to the SAC;

4 WHEREAS, good cause exists to continue the existing pre-trial deadlines again, because in the
5 interests of efficiency and with an eye toward streamlining discovery and avoiding discovery disputes,
6 the Parties purposely held off on conducting discovery related to the claims that were at issue in the
7 motion to dismiss.

8 WHEREAS, Defendants filed an answer to the SAC in November and since that time the Parties
9 have diligently engaged in discovery. Counsel for the Parties are working together regarding written
10 discovery, subpoenas and the scheduling of multiple individual depositions and the depositions of
11 multiple persons most qualified at the CITY. However, because this case involves multiple Plaintiffs,
12 multiple individual Defendants and a *Monell* claim against the CITY, the discovery process is extensive
13 and is taking more time than the Parties originally anticipated. The necessary discovery for this matter is
14 significant and the current schedule needs to be adjusted to provide sufficient time for the completion of
15 the discovery.

16 WHEREAS, in addition to the above discovery, the Parties met and conferred regarding a
17 stipulation for an order regarding the release of the Coroner's report, records and tissues samples. The
18 stipulation was filed on January 3, 2022 (Dkt. No 56), but the Parties have not yet received an order from
19 the Court. As stated in the stipulation, the Coroner's Office requires a court order to release the items
20 listed above. These materials will be critical to each side's analysis of this case and therefore the Parties
21 request additional time to obtain the order from the Court, obtain the materials and provide the materials
22 to their retained experts for analysis.

23 WHEREAS, this stipulation is not made for any improper purpose and will not prejudice any
24 party;

25 WHEREAS, the requested modifications will not otherwise impact the trial date for the case as
26 none has been set;

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STIPULATION

NOW, THEREFORE, Plaintiffs and Defendants stipulate and request the court continue presently set pre-trial dates as follows:

Event	Current Deadline	Proposed Deadline
Discovery Cutoff	March 11, 2022	June 10, 2022
All Dispositive Motions Hearing Date	May 27, 2022	August 26, 2022
Expert Disclosures	June 14, 2022	September 16, 2022
Supplemental Experts	June 28, 2022	September 30, 2022
Completion of Expert Discovery	July 28, 2022	October 28, 2022

Dated: February 11, 2022

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

By: /s/ Richard W. Osman
 Richard W. Osman
 Attorney for Defendants CITY OF
 VACAVILLE, JULIE BAILEY,
 CHUCK BAILEY, DUSTIN WILLIS, and
 DAVE SPENCER

Dated: February 11, 2022

LAW OFFICES OF FULVIO F. CAJINA

By: /s/ Fulvio F. Cajina
 Fulvio F. Cajina
 Attorney for Plaintiffs CARMEL GARCIA,
 M.Y. AND L.Y., minors by and through their
 guardian ad litem VANESSA RUIZ; L.Y., a
 minor by and through his guardian ad litem
 FRANCISCA URIOSTEGUI

ELECTRONIC CASE FILING ATTESTATION

I, Richard W. Osman, hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“/s/”) within this E-filed document or have been authorized by counsel to show their signature on this document as /s/.

Dated: February 11, 2022

By: /s/ Richard W. Osman
 Richard W. Osman

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The pre-trial deadlines are continued as follows:

Event	Current Deadline	Proposed Deadline
Discovery Cutoff	March 11, 2022	June 10, 2022
All Dispositive Motions Hearing Date	May 27, 2022	August 19, 2022
Expert Disclosures	June 14, 2022	September 16, 2022
Supplemental Experts	June 28, 2022	September 30, 2022
Completion of Expert Discovery	July 28, 2022	October 28, 2022

DATED: February 16, 2022.


CHIEF UNITED STATES DISTRICT JUDGE